

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 09, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ALLAH© (f.k.a. EDWIN RANDAL  
COSTON),

Petitioner,

v.

JOHN MCGRATH,

Respondent.

No. 2:13-CV-00355-SAB

**ORDER DENYING MOTION FOR  
RELIEF FROM JUDGMENT**

Before the Court is Petitioner's Motion for Relief from Judgment and Order F.R.C.P. Rule 60(b)(2) Newly Discovered Evidence; (3) Fraud; (4) Void Judgment; (6) Any Other Reason Justifying Relief from Operation of Judgment, ECF No. 13. Petitioner is *pro se*. Respondent was not served.

By Order filed December 16, 2013, this habeas action was dismissed because Petitioner Allah© failed to pay the applicable \$5.00 filing fee or provide an *in forma pauperis* application with the certificate portion completed by the institution of incarceration. *See* Rules 3(a) and 1(b), Rules Governing section 2254 Cases in the United States District Courts ("Habeas Rules"); 28 U.S.C. § 1914(a).

Now, more than a decade later, Petitioner requests the Court provide relief from judgment based on Fed. R. Civ. P. 60(b) for newly discovered evidence, fraud, void judgment, or any other reason justifying relief. Rule 60(c) requires a motion seeking relief pursuant to Rule 60(b) be filed within one year of judgment

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT--1

1 for allegations of (1) mistake, (2) newly discovered evidence, or (3) fraud. Time is  
2 not limited for (4) judgment that is void, (5) judgment satisfied, released, or  
3 discharged, or (6) any other justifiable reason.

4 The Court finds that Petitioner is time-barred from seeking relief as to Rule  
5 60(b)(1), (2), and (3). Further, he has not provided any facts to show his judgment  
6 in this matter is void, satisfied, released, or discharged. There is no other justifiable  
7 reason why this Court should provide relief from its judgment dismissing this  
8 matter for failure to comply with Habeas Rule 3(a)(2). As such, the Court denies  
9 Petitioner's Motion.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 **1.** Petitioner's Motion for Relief from Judgment and Order F.R.C.P.  
12 Rule 60(b)(2) Newly Discovered Evidence; (3) Fraud; (4) Void Judgment; (6) Any  
13 Other Reason Justifying Relief from Operation of Judgment, **ECF No. 13**, is  
14 **DENIED.**

15 **2.** The file shall remain **CLOSED.**

16 **3.** The Court certifies that any appeal of this decision would not be taken  
17 in good faith. The Court certifies that there is no basis upon which to issue a  
18 certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A  
19 certificate of appealability is therefore **DENIED.**

20 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
21 and provide a copy to Petitioner.

22 **DATED** this 9th day of April 2025.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

28  
Stanley A. Bastian  
Chief United States District Judge